

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 20, 2004

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,
Deputy Clerk.

Each of the following:

B161574 People v. Clair
B162750 People v. Garcia, et al.
B164308 People v. Pickens
B165804 People v. Robinson
B166497 People v. Serrano
B166725 People v. Garcia, Luis
B166736 People v. Chavez
B166855 People v. Hawkins
B167418 People v. Dailey
B167777 People v. Lozano
B168302 People v. Bilderbach
B168496 People v. Rangel, et al.
B168562 People v. Long
B169037 People v. Frank B.
B169068 People v. Rin
B161167 Johnson v. McDonald's Corp.
B168404 In re Korrays S./DCFS v. Inez B.
B168806 In re Matthew G./DCFS v. April Y.
B169715 DCFS v. Rodney F.
B172922 Quentin S. v. Superior Court; DCFS
B172966 Latisha W. v. Superior Court; DCFS

Argument waived, cause submitted.

DIVISION ONE (Continued)

B167212 People
 v.
 Calix

Merits:

Argued by Kathleen Redmond for appellant and by David A. Wildman, Deputy Attorney General, for respondent. Cause submitted.

Mallano, J. leaves the bench.

B170981 People
 v.
 Bries

Merits:

Argued by Roderick Leonard, Deputy District Attorney, for appellant and by Bradley Hague for respondent. Cause submitted.

B167347 In re Melissa Carmen T.
 v.
 Department of Children and Family Services, et al.

Merits:

Argued by Lori Fields for appellant minor and by Judith A. Luby, Deputy County Counsel for respondent and by Raymond I. Moniak for respondent Connie A. Cause submitted.

Mallano, J. returns to the bench.

Vogel, J. leaves the bench.

DIVISION ONE (Continued)

B164964 Kennerly
 v.
 JMLB, Inc.

Merits:
Argued by Edmund G. Farrell, III, for appellant and by Stanley K. Jacobs
for respondent. Cause submitted.

Vogel, J. returns to the bench.

Mallano, J. leaves the bench.

B166803 Giola
 v.
 Giola

Merits:
Argued by C. Casey White for appellant and by Honey Amado for
respondent. The respondent shall submit a letter brief within 10 days.
Appellant's reply is due 10 days thereafter. Submission is deferred for 20
days, until receipt of appellant's reply.

B165194 Fleming
 v.
 City of Los Angeles

Merits:
Argued by Donald W. Cook for appellant and by Lisa Berger, Deputy City
Attorney, for respondent. Cause submitted.

Mallano, J. returns to the bench.

April 20, 2004 (Continued)

DIVISION ONE (Continued)

B165146 Orphali
v.
Department of Health Services

Merits:
Argued by Norman L. Schafler for appellant and by Gregroy M. Cribbs, Deputy Attorney General, for respondent. Cause submitted.

Court recessed.

Court reconvened at 10:48 a.m.

Present: Spencer, P.J., Ortega, J., Mallano, J. and S. Beaux, Deputy Clerk.

B166436 People
v.
Solano, et al.

Merits:
Argued by JoAnna McKim for appellant Tinajero, by Maria Morrison for appellant Solano and by Carl N. Henry, Deputy Attorney General, for respondent. Cause submitted.

Court adjourned.

B168673 People (Not for Publication)
v.
Foxworth

The judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B166471 Carmi Flavor and Fragrance Company, Inc. (Not for Publication)
v.
Budget Industrial Uniform Supply Inc.

The orders vacating the arbitrator's award and refusing to confirm the award are reverse, and the cause is remanded to the trial court with directions to enter new orders (1) confirming the arbitrator's award, (2) denying the motion to vacate the arbitrator's award, and (3) awarding attorney's fees and costs incurred in the trial court proceedings to Budget. Budget is awarded its costs of appeal, including attorney's fees, in an amount to be determined by the trial court.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B167777 People (Not for Publication)
v.
Lozano

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION TWO

B165208 People (Not for Publication)
v.
Vaughns

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Ashmann-Gerst, J.

April 20, 2004 (Continued)

DIVISION TWO (Continued)

B162365 People (Not for Publication)
v.
Guerrero, et al.

The judgments are affirmed.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION FOUR

B172785 Alvarez (Certified for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Sheriff's Department, et al., r.p.i.)

Let a peremptory writ of mandate issue compelling respondent court to set aside its order of December 8, 2003, denying petitioner's motion for supplemental *Pitchess* discovery and, after conducting proceedings in compliance with Evidence Code section 1045, to enter a new and different order granting that motion.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B169660 Los Angeles County, D.C.S. (Not for Publication)
v.
Veronica M.

The order denying appellant's section 388 petition is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

April 20, 2004 (Continued)

DIVISION FOUR (Continued)

B164649 People
v.
Chacon

Filed order modifying opinion. (Change in judgment)

DIVISION SIX

B168458 Citizens for Goleta Valley, et al. (Certified for Publication)
v.
HT Santa Barbara, et al.

The judgment is affirmed. Respondents shall recover their costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B165116 People (Not for Publication)
v.
Sanchez

We modify the judgment to strike the 10-year gang enhancement. The trial court is directed to issue an amended abstract of judgment to reflect: (1) a sentence of 50 years to life; (2) the 15-year minimum term parole eligibility requirement of section 186.22, subdivision (b)(5); and (3) a two-year concurrent sentence on count 1 for possession of ammunition (section 12316, subd. (b)(1)). The trial court is directed to forward a certified copy of the amended abstract of judgment to the Department of Corrections. The judgment, as modified, is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B168151 San Luis Obispo Co. Dept. of Social Services (Not for Publication)
v.
Arnulfo A.

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B167021 Ventura County Human Services Agency (Not for Publication)
v.
Amy C.

The judgment (orders of March 5, 2003, and March 13, 2003) is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

B162291 Peoples, et al. (Not for Publication)
v.
Kofler

The appeal is dismissed. Respondents shall recover their costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.